

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ANTONIO AGUILAR ESCOBAR,

Defendant.

4:18CR3090

ORDER

Defendant has new counsel, and after conferring with his new attorney, he has decided to proceed with trial on stipulated facts. The court examining Defendant, again advising him of his trial rights and confirming that he does not want a jury trial. The undersigned magistrate judge finds that Defendant has knowingly and voluntarily waived his right to appear at a trial, cross-examine the government's witnesses, and present evidence in his defense.

Accordingly,

IT IS ORDERED:

- 1) This matter will proceed to trial on stipulated facts.
- 2) The parties' stipulated facts shall be filed on or before April 4, 2019.
- 3) Defendant's motion to untimely object to and/or appeal the findings and recommendation of the undersigned magistrate judge on Defendant's motion to dismiss (see Filing Nos. 17, 27 and 29) shall be filed on or before April 4, 2019.
- 4) Due to the uncertainty on how Defendant wished to proceed with this case, the removal from the trial calendar while that decision was made, and the parties' current need to prepare a factual stipulation in lieu of presenting evidence at trial, the time between today's date and April 4, 2019, shall be

deemed excludable time in any computation of time under the requirements of the Speedy Trial Act, because although counsel have been duly diligent, additional time is needed to adequately prepare this case for trial and failing to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(1) & (h)(7). Failing to timely object to this order as provided under this court's local rules will be deemed a waiver of any right to later claim the time should not have been excluded under the Speedy Trial Act.

March 19, 2019.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge